



CITY COUNCIL
CITY OF NORTHAMPTON
MASSACHUSETTS

Councilors:

- President Ryan R. O'Donnell, At-Large
- Vice-President Gina Louise Sciarra, Ward 4
- William H. Dwight, At-Large
- Maureen T. Carney, Ward 1
- Dennis P. Bidwell, Ward 2
- Jim Nash, Ward 3
- David A. Murphy, Ward 5
- Marianne L. LaBarge, Ward 6
- Alisa F. Klein, Ward 7

**Northampton City Council
Minutes of the Organizational Meeting
of January 2, 2018
1 p.m. held in City Council Chambers
212 Main Street, Northampton**

**The meeting was presided over by
former City Council President William H. Dwight.**

1. Swearing in of the Administrative Assistant to the City Council:

City Clerk Pamela Powers swore in Administrative Assistant Laura Krutzler and Ward 7 City Councilor Alisa F. Klein, who was not able to attend the morning inauguration ceremony.

2. Roll Call

On a roll call, the following councilors were present:

Dennis P. Bidwell, Ward Two Councilor
Maureen T. Carney, Ward One Councilor
William H. Dwight, Former City Council President/At-Large City Councilor
Alisa F. Klein, Ward Seven City Councilor
Marianne L. LaBarge, Ward Six City Councilor
David A. Murphy, Ward Five City Councilor
James Nash, Ward Three City Councilor
Ryan R. O'Donnell, Former Vice President/At-Large
Gina-Louise Sciarra, Ward Four

3. Election of a City Council President for 2018 - 2019

Councilor Carney moved to open the floor to nominations for City Council President. Councilor Murphy seconded. The motion passed unanimously 9:0 by voice vote.

Councilor LaBarge nominated Councilor O'Donnell for City Council President. Councilor Murphy seconded.

Councilor Murphy moved to close nominations. Councilor LaBarge seconded. The motion passed unanimously by voice vote.

Councilor O'Donnell thanked fellow members for the nomination. Part of him has a hard time picturing any council president other than Bill Dwight, he shared. Councilor Dwight has led the council for the last six years not just capably but with a strong sense of moral courage. Even at times when they have disagreed the most, he feels he has brought a sense of unity to the council and made it a very deliberative, effective body. He expressed appreciation, saying he didn't think he could approximate that but that he could try.

He expressed his understanding that the work of the council president involves work before council meetings, work during council meetings and work in between meetings. Before meetings, the president

works with the Administrative Assistant and the City Solicitor, during the meeting he makes sure all councilors are heard and heard fairly; and in between meetings he works with all residents, city wards and constituents on issues of importance. He wants to do his best to live up to that challenge and is very appreciative of it, he confirmed.

Councilor Bidwell expressed appreciation for Councilor O'Donnell's willingness to step into a role which is clearly demanding and time-consuming and said he looks forward to working with him. If it is time to send kudos by way of the outgoing president, this term was his maiden voyage and Councilor Dwight was unfailingly helpful to him in his initial stint on the council, which he very much appreciated, he volunteered. With regard to his running of meetings, he admires his mastery of procedure and protocol as well as his lightness of touch.

Councilor LaBarge said she thanked Councilor Dwight again and again for his service as council president. "I will miss you; I think you've done an excellent job as council president," she shared. She expressed her opinion that he should say, "I'll be back."

She had a lengthy talk with Councilor O'Donnell regarding his expectations if elected as council president, Councilor LaBarge continued. She wanted to hear exactly what he was going to be all about and was very pleased to hear him state his intention of working with councilors on every ward throughout the city. He has been excellent as a councilor at large in helping her and her residents with big issues going on in her ward, she confirmed.

Councilor Nash echoed Councilor O'Donnell's comments about Councilor Dwight and his leadership. He's managed to run the council in a kind of folksy and fun way, yet they have gotten a lot of work done, he affirmed. He loves the way he has engaged the public. People stand at that podium, but they feel that they're brought into this group. He thanked Councilor Dwight for his work.

With regard to Councilor O'Donnell, he is a stickler for procedure and how meetings are run and he thinks that's an important quality for the role of president. He has known Councilor O'Donnell for five or six years through relationships in Ward 3. He has always been impressed that he really believes in public process and is always in search of the perfect public meeting; one where everybody leaves feeling like they've done their duty. His commitment to that process is always apparent. From this vantage, Councilor O'Donnell lights up; he is always attentive to everything they are tending to and really enjoys the deliberation. He thinks he is a fine choice for the next council president.

Councilor Murphy thanked Councilor Dwight for his guidance, commenting that he seconded Councilor LaBarge's nomination because he has all the confidence in the world in Councilor O'Donnell. He reminded Councilor O'Donnell that he has "factually large and figuratively large" shoes to fill.

Councilor Dwight said he was flattered when he was first nominated, surprised when he was elected and grateful when he got to serve. All he did was get out of the way of a very mature, reflective body, he maintained. He is looking forward to joining them among the ranks. As for Councilor O'Donnell's role as president, he has no doubts. "I think there is a new vigor that will be demonstrated in the process of your leadership," he related. Members "have settled into the charter; have settled into the Mayor. . . When he was first elected the charter was just being discussed; now, they are running pretty well, although still probing and examining the separation of powers." He thanked all.

Members discussed that past practice when only one person is nominated has been to respond to roll call with the candidate's name. Councilor Dwight called the nomination to a vote, and all councilors answered the roll by stating "O'Donnell."

By a roll call vote of 9:0, Councilor O'Donnell was elected president. He assumed the role of chair and Councilor Dwight moved to another seat.

4. **Election of City Council Vice-President for 2018 - 2019**

Councilor Klein moved to open the floor to nominations for City Council Vice President. Councilor LaBarge seconded. The motion passed unanimously 9:0 by voice vote.

Councilor Klein nominated Councilor Sciarra. Councilor Dwight seconded.

Councilor Dwight moved to close the nominations. Councilor LaBarge seconded. The motion passed unanimously 9:0 by voice vote.

Councilor Dwight's leadership was a primary reason that she ran for council four years ago, Councilor Sciarra disclosed. The city could not have asked for a better steward to take over the role. He has brought a uniquely warm perspective while never sacrificing his clear convictions as a councilor.

She would be honored to be entrusted with the position of vice president, she affirmed. In addition to presiding over meetings if Councilor O'Donnell is not available, she would do all she could to encourage thoughtful and robust discussion. She thinks they do their best when engaged not only with the people they represent but also with department heads and other stakeholders. She would do all she can to uphold those viewpoints.

Councilor Dwight commented that he feels much more secure knowing that the two of them will serve as officers. The two of them actually have a synergistic combination of talents that will improve the way they conduct policy, he suggested. Councilor Sciarra functions with a very big heart, without which they would be turned into very boring meetings. He feels comfortable with the leadership and with the backup leadership and is genuinely looking forward to the next two years under their guidance.

Councilor Klein noted that she has served under Councilor Sciarra as chair of the Committee on Community Resources and has been really impressed with her ability; she's extremely thoughtful and very thorough and her ability to allow all voices to come to the fore and be expressed [is exceptional]. She is very supportive of members of the committee in a way that allows them to bring their best selves to the committee. She expressed confidence that she would also be up to the task of abiding by the details of the charter, just as the now President did as Vice President.

Council Carney offered thanks to Councilor Dwight for his leadership as council president and thanked Councilor O'Donnell and Councilor Sciarra for their willingness to take on a big job.

The motion to nominate Councilor Sciarra as Council Vice President passed unanimously by roll call vote.

5. Appointment of Enrollment Committee for 2018 – 2019

Councilor O'Donnell asked if Councilor Klein and Councilor LaBarge would be willing to continue in their role as the enrollment committee, and both agreed.

Councilor O'Donnell appointed Councilor LaBarge and Councilor Klein to the Enrollment Committee for this term.

6. Order to Adopt City Council Rules for 2018 – 2019

Councilor Dwight moved to approve the order to adopt the City Council Rules for 2018 – 2019. Councilor LaBarge seconded.

Councilor Bidwell said that for the meeting of January 18th, he and Councilor Sciarra have been working on some amendments to the rules to bring forward. In the course of the year, they have discovered that they have challenged virtually every rule in this book, showing that a discussion to fine tune the rules is in order, Councilor Dwight agreed. The rules were adopted unanimously by roll call vote.

7. Open Meeting Law, Conflict of Interest and Public Records Law Refresher - Attorney Seewald

Alan Seewald, Esq. gave a presentation on the Open Meeting Law (OML), Conflict of Interest and Public Records Law.

He started with the Conflict of Interest law because if there's any law that can cause conflict in your life; it's the Conflict of Interest (COI) law, he intoned. It starts with them as councilors being considered municipal employees, people who serve the community whether paid or unpaid. The COI is there to make sure that when municipal employees act, they are only serving the municipal interest. Any time one of them feels that his or her personal interests are creeping into his or her decision it is time for them to call, because chances are it is. The law applies not only to individual interests but also to the interests of one's family and spouse's family, he clarified.

The COI law is intended to prohibit someone's personal interest or immediate family's personal interest from bleeding into his or her thinking about municipal obligations. The law deals with financial interests, interest in contracts and also with the appearance of a conflict of interest. If a college roommate comes to the council to get something done, the councilor needs to disclose the fact that this is a college roommate when somebody looking at the facts may come to the reasonable conclusion that a person is receiving favor or wrath based on his or her relationship with the councilor.

Sunshine is the disinfectant, he advised. The public employee discloses it in a public way and then he or she is able to go forward. He stressed that he is always available to talk about conflicts of interest and urged councilors to contact him or the Ethics Commission before acting.

The most frequent single question that he gets is about asking people for money on behalf of nonprofits, Attorney Seewald continued. The Conflict of Interest law applies to this because anyone who has business before the council cannot be specifically solicited for money. Once members start targeting constituents that have any business before this body, it has the potential of being a conflict, he confirmed. If a member can foresee that a person is going to come before the City Council, he or she should be very cautious about asking that person for money.

Councilor Bidwell asked if it would be permissible for him he as a board member of a nonprofit to put his name on a generic fundraising appeal.

That is okay, but if the solicitation is directed to certain individuals or classes of individuals, it is not okay, Attorney Seewald clarified. Members can always do a general solicitation in every mailbox and on TV, he said.

Councilor LaBarge thanked Attorney Seewald for his helpfulness in the past; she doesn't know how many times she has called him and he was extremely helpful, she said. He was very helpful with the Hair and Fashion fundraiser at the Cooley Dickinson Hospital.

Councilor Sciarra said she called the Ethics Commission once about fundraising and they said she could not solicit any resident of Northampton.

That's never been his understanding, Attorney Seewald said. He expressed his understanding that soliciting money is only a possible violation when the person's position as a councilor has the potential to be coercive.

With regard to the Open Meeting Law, Attorney Seewald voiced his conviction that all in this room have a dedication to transparency in government and know that meetings and hearings are open to the public. There are specific exceptions to this rule, he acknowledged.

The way we get tripped up are serial emails. Just be really careful about serial e-mails, he cautioned. The only things that can be done outside of a meeting by e-mail are scheduling and circulating material, he advised. He encourages all of them to remind each other, 'Do not reply all.' Once a councilor expresses his or her view on a document that is being circulated and replies all, he or she has violated the Open Meeting Law, he stressed. That is the main problem area.

One safeguard is to blind copy (bcc) everyone you are sending information to so that they can't reply all, Councilor Dwight suggested.

Councilor Bidwell asked about communication among councilors once a measure has been introduced. Attorney Seewald clarified that they are only talking about a quorum. Once you have five, it's a violation. Two or three councilors can get together and talk. A quorum of a subcommittee is also problematic, Councilor Dwight added.

A private party can not violate the OML, Attorney Seewald clarified. Private parties can communicate with public officials and tell them anything they want. There is nothing a municipal employee can do to prevent a person from talking to him or her.

The Public Records law was overhauled significantly at the beginning of last year, Attorney Seewald reminded. Under the new regulation, council members should be operating through a Records Access Officer (RAO). It would be appropriate for the council's administrative assistant to act as the RAO, he indicated.

Anything made or used by a member as a councilor is presumed to be a public record. If councilors use private e-mail for city business, it could be subject to search for public records. His recommendation is to just use public e-mail.

There are formal procedures for obtaining permission to destroy public records, and public bodies have an obligation to maintain those records, he added.

Councilor Murphy asked about the ethics test, and Councilor O'Donnell said the administrative assistant would e-mail a link to this test after the meeting. He thanked Attorney Seewald, and Attorney Seewald repeated his invitation for councilors to contact him regarding questions about potential conflicts.

8. Order to Set Date and Time of 2018 – 2019 City Council Meetings

Councilor Dwight moved to approve the order setting the council meetings. Councilor LaBarge seconded. Mrs. Krutzler noted that she had changed the date of the July meeting from earlier versions to accommodate the need for a meeting just prior to the July 15th deadline for finalizing the budget from the prior fiscal year. The motion passed unanimously in first reading by roll call vote.

Councilor Dwight moved to suspend council rules to allow a second reading at the same meeting. Councilor LaBarge seconded. The motion passed unanimously by voice vote.

Councilor Dwight moved to approve in the order in second reading. Councilor Sciarra seconded. The motion passed unanimously 9:0 by roll call vote.

9. Administrative Items; i.e. Council Committee Preferences, etc.

The administrative assistant will send out a link to the website for on line ethics training, Councilor O'Donnell reiterated. Once completed, councilors should print out a certificate of completion and bring it to the council office.

With regard to committee preferences, Councilor O'Donnell asked members to please submit a list of the five committees to him in order of preference as soon as possible. He also asked them to rank their preferences for appointment to the three multiple-member bodies for which the Mayor accepts recommendations from the council president. He plans on making appointments prior to the second meeting of the calendar year, he said.

10. Updates from Council President and one-minute announcements: None

11. Information Requests (Charter Provision 2-7): None

12. New Business: None

13. **Adjourn:** Motion to adjourn the meeting was made at 2 p.m. by Councilor Dwight; Councilor LaBarge seconded. The motion was approved on a voice vote of 9 Yes, 0 No.

Recorded by:
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Attest: _____ Administrative Assistant to the City Council

EXHIBIT A

List of Documents Reviewed at January 2, 2018 City Council Meeting:

1. January 2, 2018 Agenda
2. 18.001 An Order to Adopt City Council Rules for 2018 – 2019 Session
3. Rules of the 2018-2019 City Council of the City of Northampton
4. 18.002 Order to Set the Date and Time of 2018 – 2019 Council Meetings